

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Robert D Morrison v. Joshua J Anderson, Hanging J. Transport

Case Number 49D01-2101-CT-001827
Court Marion Superior Court 1
Type CT - Civil Tort
Filed 01/19/2021
Status 01/19/2021 , Pending (active)

Parties to the Case

Defendant Anderson, Joshua J

Address

84547 510 Ave
Elgin, NE 68636

Attorney

Christopher R Whitten
#2042949, Lead, Retained

WHITTEN LAW OFFICE

6801 Gray Road
Suite H
Indianapolis, IN 46237
317-362-0225(W)

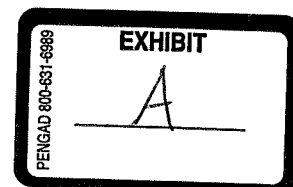
Attorney

James Lee Culp
#2632649, Retained

WHITTEN LAW OFFICE

6801 Gray Road
Suite H
Indianapolis, IN 46237
317-362-0225(W)

Defendant Hanging J. Transport



Address

306 E Columbia St
Attica, IN 47918

Attorney

Christopher R Whitten
#2042949, Lead, Retained

WHITTEN LAW OFFICE
6801 Gray Road
Suite H
Indianapolis, IN 46237
317-362-0225(W)

Attorney

James Lee Culp
#2632649, Retained

WHITTEN LAW OFFICE
6801 Gray Road
Suite H
Indianapolis, IN 46237
317-362-0225(W)

Plaintiff Morrison, Robert D

Address

10586 Talisman Dr
Noblesville, IN 46060

Attorney

Kaitlin Astorino
#3255249, Retained

Isaacs and Isaacs
1601 Business Center Court
Louisville, KY 40299
502-458-1000(W)

Chronological Case Summary

01/19/2021 **Case Opened as a New Filing**

01/19/2021 **Complaint/Equivalent Pleading Filed**

Complaint

Filed By: Morrison, Robert D
File Stamp: 01/19/2021

01/19/2021 **Appearance Filed**

Appearance of Kaitlin Coons Astorino

For Party: Morrison, Robert D
File Stamp: 01/19/2021

01/19/2021 **Subpoena/Summons Filed**

Summons

Filed By: Morrison, Robert D
File Stamp: 01/19/2021

01/19/2021 **Subpoena/Summons Filed**

Summons

Filed By: Morrison, Robert D

File Stamp: 01/19/2021

01/22/2021 **Appearance Filed**

Appearance by Attorney in Civil Case

For Party: Anderson, Joshua J

For Party: Hanging J. Transport

File Stamp: 01/22/2021

01/22/2021 **Motion for Enlargement of Time Filed**

Motion for Enlargement of Time

Filed By: Anderson, Joshua J

Filed By: Hanging J. Transport

File Stamp: 01/22/2021

01/22/2021 **Order Granting Motion for Enlargement of Time**

Judicial Officer: Marchal, Jeffrey L. - MAG

Order Signed: 01/22/2021

01/23/2021 **Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 1/22/2021 : Christopher R Whitten;James Lee Culp;Kaitlin Astorino

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Morrison, Robert D

Plaintiff

Balance Due (as of 02/03/2021)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
01/19/2021	Transaction Assessment	157.00
01/19/2021	Electronic Payment	(157.00)

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

49D01-2101-CT-001827

Marion Superior Court 1

Filed: 1/19/2021 11:34 AM
Clerk
Marion County, Indiana

STATE OF INDIANA)
) SS: IN THE _____ COURT OF
COUNTY OF MARION) MARION COUNTY

ROBERT D. MORRISON)

)

)

)

)

Plaintiff.)

vs.)

Cause no.)

)

)

ELECTRONICALLY FILED

)

JOSHUA J. ANDERSON)

)

84547 510 Ave)

)

Elgin, NE 68636)

)

)

and)

)

)

HANGING J. TRANSPORT)

)

20166 Nicole Dr.)

)

Morrill, NE 69358)

)

)

Serve: Pamela Warner)

)

306 E Columbia St)

)

Attica, IN 47918)

)

)

Defendants.)

)

)

COMPLAINT AND DEMAND FOR JURY TRIAL

Comes now Plaintiff, Robert Morrison, by counsel, and for his claims and causes of action against Defendants herein, states as follows:

1. Plaintiff, Robert D. Morrison, is and was at all times relevant herein, a resident of Hamilton County, Noblesville, Indiana.

2. Defendant, Joshua J. Anderson (hereinafter “Anderson”), is and was at all times relevant herein, believed to be a resident of 84547, 510 Ave, Elgin, NE, 68636.

3. Defendant, Hanging J. Transport (hereinafter “Hanging J.”), is a Nebraska Corporation legally doing business in this state of Indiana with a principal office address of 20166 Nicole Dr., Morrill, NE 69358, and a Registered Agent, Pamela Warner, 306 E Columbia Attica, IN 47918.

4. At all times relevant herein, Defendant Anderson was driving a commercial motor vehicle in interstate commerce and was subject not only to Indiana traffic laws and safety regulations, but also the Federal Motor Carrier Safety Regulations.

5. At all times relevant herein, Defendant Anderson was the agent, servant, and/or statutory employee for Defendant Hanging J., operating for the benefit of, in furtherance of the interests of and/or within the course and scope of his employment with Defendant Hanging J and/or was the employer of Anderson as defined by 49 C.F.R. 383.5 and 390.5. Accordingly, Defendant Hanging J. is vicariously liable for the acts of Defendant Anderson. Regardless of the employment or agency relationship, Defendant Hanging J. is an interstate motor carrier responsible for the acts of Defendant Anderson.

6. That on or about February 15, 2019, Plaintiff was driving his vehicle with all due care in Marion County, Indiana.

7. That on that date and at the place set out above, Defendant Anderson was operating the vehicle owned by Defendant Hanging J. in such a negligent manner so as to cause it to collide with the Plaintiff.

8. More specifically, Defendant Anderson was cited for a violation of Ind. Code 9-21-8-14 for following too closely, failed to maintain a proper lookout, was distracted by a cellular

phone and/ or GPS device,

9. That as a direct and proximate result of said collision, Plaintiff suffered severe bodily injuries.

CLAIMS AGAINST JOSHUA J. ANDERSON
COUNT I: NEGLIGENCE

10. Plaintiff adopts and reiterates each and every allegation above as if set out fully herein and incorporates the same by reference.

11. That as a direct proximate result of the negligence of Defendant Anderson, Plaintiff was caused to suffer serious bodily injuries, as well as, pain, suffering, mental anguish, and inconvenience and will continue to suffer such pain, suffering, mental anguish, and inconvenience in the future.

12. That as a direct and proximate negligence of the Defendant Anderson, Plaintiff has incurred, and will continue to incur in the future, medical expenses and physician expenses.

13. That as a direct and proximate result of the negligence of Defendant Anderson, Plaintiff has suffered lost wages as well as a permanent impairment of his ability to earn money in the future.

CLAIMS AGAINST HANGING J. TRANSPORT
COUNT II: RESPONDEAT SUPERIOR

14. Plaintiff adopts and reiterates each and every allegation above as if set forth fully herein and incorporates the same by reference.

15. Upon information and belief, that on the date and time of the negligent actions of Defendant Anderson, Defendant Hanging J. is, and was the owner of the vehicle being operated by Defendant Anderson.

16. That on the date and time of the negligent actions of Defendant Anderson, said

Defendant was acting within the course and scope of his employment with Defendant Hanging J.

17. As a direct and proximate result of the negligence of Defendant Anderson in operating the vehicle in the scope of his employment, the doctrine of *Respondeat Superior* applies and transfers liability to Defendant Hanging J.

COUNT III: NEGLIGENT HIRING AND RETENTION

18. Plaintiff adopts and reiterates each and every allegation as if set out fully herein and incorporate the same by reference.

19. That Defendant Hanging J. knew or should have known through the use of ordinary care when it hired Defendant Anderson that said Defendant was negligent and/or careless.

20. That Defendant Hanging J., upon the use of ordinary care in determining that Defendant Anderson was negligent and/or careless, was negligent in retaining Defendant Anderson as an employee and allowing said employee to continue to operate its vehicle in such a negligent manner so as to cause it to collide with Plaintiff, thereby causing Plaintiff to suffer severe bodily injuries.

21. That as a direct and proximate result of the negligence of Defendant Hanging J. in hiring and/or retaining Defendant Anderson, Plaintiff has sustained severe and permanent bodily injury; has incurred and will continue to incur medical bills and expenses in the future; has suffered and will continue to suffer pain, suffering, mental anguish and inconvenience; has incurred lost wages and will continue to lose wages; has suffered loss to property and has incurred a permanent impairment of his power to labor and earn money.

COUNT IV: NEGLIGENT SUPERVISION AND TRAINING

22. Plaintiff adopts and reiterates each and every allegation as if set out fully herein and incorporate the same by reference.

23. That Defendant Hanging J. has a duty to ensure that its employees are properly trained, licensed, and qualified.

24. That Defendant Hanging J. failed to properly train and/or supervise Defendant Anderson to safely operate its vehicle on the aforementioned date.

25. That as a direct and proximate result of the negligence of Defendant Hanging J. in failing to properly train and/or supervise Defendant Anderson, Plaintiff has sustained severe and permanent bodily injury; has incurred and will continue to incur medical bills and expenses; has suffered and will continue to suffer pain, suffering, mental anguish and inconvenience; has incurred lost wages and will continue to lose wages; has suffered loss to property and has incurred a permanent impairment of his power to labor and earn money.

26. That as a direct and proximate result of the negligence of Defendant Hanging J. in training and/or supervising Defendant Anderson, Plaintiff has been caused to suffer damages in excess of the jurisdictional limits of this Court.

WHEREFORE, Plaintiff, Robert D. Morrison, by counsel, requests a judgement against the Defendants Joshua J. Anderson and Hanging J. Transport, in favor of the Plaintiff in an amount reasonably calculated to compensate Plaintiff for his damages including:

1. Past and future medical expenses;
2. Past and future physical and mental pain, suffering, anguish and inconvenience;
3. Lost wages;
4. Diminished capacity to labor and earn income;
5. Prejudgment interest;

6. Punitive Damages
7. Trial by jury; and
8. Any and all other appropriate relief to which Plaintiff may appear to be justly entitled.

Respectfully,

/s/ Kaitlin Coons Astorino, Esq.
Kaitlin Coons Astorino, #35002-22
Isaacs & Isaacs, P.S.C.
1601 Business Center Court
Louisville, Kentucky 40299-2370
Telephone: (502) 458-1000
Facsimile: (502) 454-5512
Email: kaitlin@isaacsandisaacs.com
Counsel for Plaintiff, Robert D. Morrison

DEMAND FOR JURY TRIAL

Comes now the Plaintiff, Robert D. Morrison, and demands a trial by jury on all issues so triable.

/s Kaitlin Coons Astorino
Kaitlin Coons Astorino, #35002-22

49D01-2101-CT-001827

Marion Superior Court 1

Filed: 1/19/2021 11:34 AM
Clerk
Marion County, Indiana

STATE OF INDIANA) IN THE _____ COURT OF
COUNTY OF MARION) SS: MARION COUNTY
)

ROBERT D. MORRISON)
)
Plaintiffs,)
v.) Cause no. _____
) *ELECTRONICALLY FILED*
JOSHUA J. ANDERSON,)
HANGING J. TRANSPORT,)
)
Defendants.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

1. Initiating Party: Robert D. Morrison
2. Attorney Information: Kaitlin Coons Astorino, #35002-22
Isaacs & Isaacs, P.S.C.
1601 Business Center Court
Louisville, Kentucky 40299-2370
Telephone: (502) 458-1000
Facsimile: (502) 454-5512
Email: kaitlin@isaacsandisaacs.com
3. Are there other party members? No.
4. Case type requested: Civil Tort (CT)
5. Accept: (a) Fax Service: No.
(b) Courthouse Mailbox: No.
6. Does this case involve support issues? No.
7. Are there related cases? No.
8. Has this form been served on all other parties with certificate of service attached? No.
9. Additional Information: None.

/s/ Kaitlin Coons Astorino, Esq.
Kaitlin Coons Astorino, #35002-22
Isaacs & Isaacs, P.S.C.
1601 Business Center Court
Louisville, Kentucky 40299-2370
Telephone: (502) 458-1000
Facsimile: (502) 454-5512
Email: kaitlin@isaacsandisaacs.com
Counsel for Plaintiff, Robert D. Morrison

49D01-2101-CT-001827

Marion Superior Court 1

Filed: 1/19/2021 11:34 AM
Clerk
Marion County, Indiana

STATE OF INDIANA)
) IN THE _____ COURT OF
) SS: MARION COUNTY
COUNTY OF MARION)

ROBERT D. MORRISON)

Plaintiffs,)

v.)

Cause no. _____

ELECTRONICALLY FILED

JOSHUA J. ANDERSON,)

HANGING J. TRANSPORT,)

Defendants.)

SUMMONS

THE STATE OF INDIANA TO: Hanging J. Transport.
ADDRESS: 306 E Columbia St
Attica, IN 47918

You are hereby notified that you have been sued by the person(s) or entity(ies) named as Plaintiff(s) in the court and case number indicated in the above caption.

The Plaintiffs are represented in this action by: Kaitlin Coons Astorino, Isaacs & Isaacs, P.S.C., 1601 Business Center Court, Louisville, Kentucky 40299, telephone: (502) 458-1000.

The nature of the suit against you is stated in the complaint that is attached to this summons. It also states the relief sought or the demand made against you by the Plaintiffs.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this summons (or twenty-three (23) days if this summons was received by mail), or a judgment by default may be rendered against you for relief demanded by Plaintiffs.

The following manner of service of Summons is hereby designated:

Dated: 1/19/2021

CERTIFIED MAIL

Myah A. Edmonds
Marion County Clerk (Seal)



49D01-2101-CT-001827

Marion Superior Court 1

Filed: 1/19/2021 11:34 AM
Clerk
Marion County, Indiana

STATE OF INDIANA) IN THE _____ COURT OF
COUNTY OF MARION) SS: MARION COUNTY
)

ROBERT D. MORRISON)

Plaintiffs,)

v.)

Cause no. _____
*ELECTRONICALLY FILED*JOSHUA J. ANDERSON,)
HANGING J. TRANSPORT,)

Defendants.)

SUMMONS

THE STATE OF INDIANA TO: Joshua J. Anderson
ADDRESS: 84547, 510 Ave
Elgin, NE 69358

You are hereby notified that you have been sued by the person(s) or entity(ies) named as Plaintiff(s) in the court and case number indicated in the above caption.

The Plaintiffs are represented in this action by: Kaitlin Coons Astorino, Isaacs & Isaacs, P.S.C., 1601 Business Center Court, Louisville, Kentucky 40299, telephone: (502) 458-1000.

The nature of the suit against you is stated in the complaint that is attached to this summons. It also states the relief sought or the demand made against you by the Plaintiffs.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this summons (or twenty-three (23) days if this summons was received by mail), or a judgment by default may be rendered against you for relief demanded by Plaintiffs.

The following manner of service of Summons is hereby designated:

Dated: 1/19/2021 _____

CERTIFIED MAIL*Nyke A. Edwards*

Marion County Clerk (Seal)



STATE OF INDIANA)	IN THE MARION SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO. 49D01-2101-CT-001827
ROBERT D. MORRISON,)	
)	
Plaintiff,)	
)	
v.)	
)	
JOSHUA J. ANDERSON,)	
and HANGING J. TRANSPORT,)	
)	
Defendants.)	

APPEARANCE BY ATTORNEY IN CIVIL CASEParty Classification: **Defendants**

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

Joshua J. Anderson and Hanging J. Transport

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Christopher R. Whitten, Attorney No. 20429-49

James L. Culp, Attorney No. 26326-49

WHITTEN LAW OFFICE

6801 Gray Road, Suite H

Indianapolis, IN 46237

(317) 362-0225 Telephone

(317) 362-0151 Facsimile

cwhitten@indycounsel.com

jculp@indycounsel.com

3. There are other party members: No.

4. If first initiating party filing this case, the Clerk is required to assign this case the following Case Type under Administrative Rule 8(b)(3): N/A.

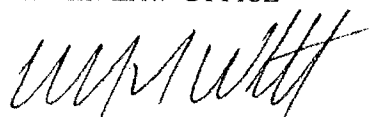
5. I will accept service by FAX at the above noted number: No.

6. This case involves support issues. No. (If yes, supply social security number for all family members).

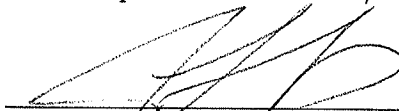
7. There are related cases: No.
8. This form has been served on all other parties. Certificate of Service is attached: Yes.
9. Additional information required by local rule: N/A.

Respectfully submitted,

WHITTEN LAW OFFICE



Christopher R. Whitten/#20429-49

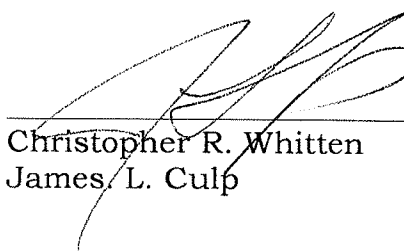


James L. Culp/#26326-49
Counsel for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following by electronic mail, this 22nd day of January 2021.

Kaitlin Coons Astorino, Esq.
ISAACS & ISAACS, P.S.C.
1601 Business Center Court
Louisville, KY 40299-2370
Counsel for Plaintiff



Christopher R. Whitten
James L. Culp

WHITTEN LAW OFFICE
6801 Gray Road, Suite H
Indianapolis, IN 46237
PH: 317/362-0225
FX: 317/362-0151

STATE OF INDIANA)	IN THE MARION SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO. 49D01-2101-CT-001827
ROBERT D. MORRISON,)	
)	
Plaintiff,)	
)	
v.)	
)	
JOSHUA J. ANDERSON,)	
and HANGING J. TRANSPORT,)	
)	
Defendants.)	

MOTION FOR ENLARGEMENT OF TIME

Defendants, Joshua J. Anderson and Hanging J. Transport ("Defendants"), by counsel, respectfully request the Court for an enlargement of time of 30 days to respond to the Complaint ("Complaint") of Plaintiff, Robert D. Morrison, and in support thereof, states as follows:

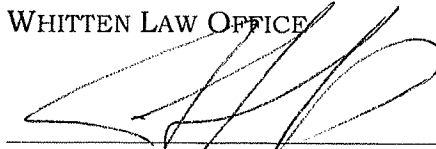
1. Based upon information obtained by way of the court's online docket today, Defendants, Joshua J. Anderson and Hanging J. Transport have not yet been served with a copy of the Summons and Complaint.
2. The time for Defendants to respond to Plaintiff's Complaint has not yet expired.
3. Counsel for Defendants requires additional time to confer with his clients and to prepare an appropriate response to the Complaint.
4. No prior enlargement of time has been requested or obtained.

WHEREFORE, Defendants, Joshua J. Anderson and Hanging J. Transport by counsel, respectfully requests the Court for an enlargement of time of 30 days

up to and including March 16, 2021, in which to respond to the Complaint and for all other just and proper relief.

Respectfully submitted,

WHITTEN LAW OFFICE



Christopher R. Whitten/#20429-49

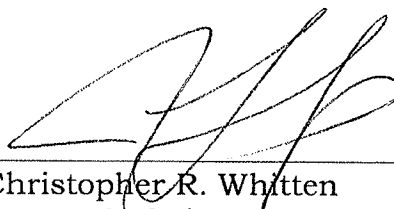
James L. Culp/#26326-49

Counsel for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing has been served upon the following by electronic mail, this 22nd day of January 2021.

Kaitlin Coons Astorino, Esq.
ISAACS & ISAACS, P.S.C.
1601 Business Center Court
Louisville, KY 40299-2370
Counsel for Plaintiff



Christopher R. Whitten
James. L. Culp

WHITTEN LAW OFFICE
6801 Gray Road, Suite H
Indianapolis, IN 46237
PH: 317/362-0225
FX: 317/362-0151

STATE OF INDIANA)	IN THE MARION SUPERIOR COURT
) SS:	
COUNTY OF MARION)	CAUSE NO. 49D01-2101-CT-001827
ROBERT D. MORRISON,)	
)	
Plaintiff,)	
)	
v.)	
)	
JOSHUA J. ANDERSON,)	
and HANGING J. TRANSPORT,)	
)	
Defendants.)	

FILED

January 22, 2021

CLERK OF THE COURT
MARION COUNTY

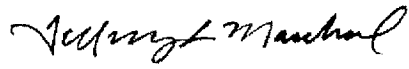
JL

ORDER ON DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

This matter came before the Court on Defendants' Motion for Enlargement of Time to Answer Complaint. The Court having been first duly advised, now **GRANTS** the Motion.

IT IS THEREFORE ORDERED that Defendants Joshua J. Anderson and Hanging J. Transport, shall have up to and including March 16, 2021, in which to respond to Plaintiff's Complaint.

So ORDERED this ____ day of January 22, 2021, 2021.

 Mag.

Judge, Marion Superior Court 1

Copies to:

Kaitlin Coons Astorino, Esq.
ISAACS & ISAACS, P.S.C.
1601 Business Center Court
Louisville, KY 40299-2370

Christopher R. Whitten, Esq.
James L. Culp, Esq.
WHITTEN LAW OFFICE
6801 Gray Rd, Suite H
Indianapolis, IN 46237